

**VILLAGE OF CROTON ON HUDSON, NEW YORK**  
**PLANNING BOARD MEETING MINUTES – TUESDAY August 9, 2011**

MEMBERS PRESENT:        Robert Luntz, Chairman  
                                 Mark Aarons  
                                 Fran Allen  
                                 Steven Krisky

ABSENT:                     Bruce Kauderer

ALSO PRESENT:           Daniel O'Connor, Village Engineer

**1. Call to Order**

Meeting called to order at 8:00 p.m. by Chairman Luntz.

**2. OLD BUSINESS**

*a) Green Growler Grocery—368 South Riverside Avenue (Sec. 79.13 Block 1 Lot 71) – Sign Application for craft beer retail grocery store.*

Chairman Luntz stated that a Change of Use permit had been issued by the Planning Board on May 10, 2011 to the applicant; one of the conditions of the resolution states that the applicant should submit the sign application to the Visual Environment Board, after which the applicant was to return to the Planning Board for final review.

Ms. Seana O'Callaghan, President of WBSCO Enterprises Inc. (d/b/a Green Growler Grocery) submitted a sign application to the VEB and attended the VEB meeting on July 20, 2011. The Planning Board members reviewed the VEB's comments about the Green Growler Grocery in the minutes from that meeting. Chairman Luntz noted that the sign was installed prior to the final review of the Planning Board.

Mr. Krisky stated that he believed VEB's comments had some merit, but for him, the question was why the sign was installed before the applicant returned to the Planning Board as stipulated in the Planning Board resolution for the Change of Use Permit.

Ms. O'Callaghan stated that she had spent considerable time and money to have the sign designed; she had listened to the feedback and opinions of the VEB, but felt she had complied with the sign regulations. She felt it would be monetarily onerous to change the shape and font of the sign, and believed that the sign complied with existing law. At the time, she had not given thought to the condition regarding the Planning Board's final approval when the sign installer installed the sign at a convenient time prior to the Planning Board meeting.

Chairman Luntz stated that he didn't have any problems with the sign itself. Mr. Aarons agreed with Chairman Luntz, but noted the VEB's concerns regarding the placement of the sign on the fascia. Mr. Aarons did not want to set a precedent of signs being installed on the overhangs of buildings.

Ms. O'Callaghan stated that the sign installer had told her it was on the fascia. Chairman Luntz stated it was more on the eave of the roof.

Ms. O'Callaghan asserted that if she installed the sign on the fascia board as the VEB suggested, it would be obscured in shadow most of the day and customers would not see her store. She did not believe that the placement of her sign was a structural issue.

The Village Engineer stated that the Code does not address where the sign is installed except that it must be on the front of the building, not on the side of the building. The Planning Board can issue exceptions to the Code.

Mr. Aarons stated that he did not want the applicant to remake the sign. He understood the VEB's perspective, but he did not want to put Ms. O'Callaghan through the expense of changing the sign itself. However, in terms of the placement of the sign, he believed it was a question of aesthetics.

Ms. O'Callaghan stated that she did not believe there was a code issue. She was pleased that her customers could now find the store.

Chairman Luntz stated that he would like to see the installed sign. His preference for the sign's placement is on the wood above the door and not on the overhang. He, too, was concerned about the aesthetic placement of the sign.

Mr. Krisky agreed that he did not want to have Ms. O'Callaghan spend more money to change the sign but he would also like to see the installed sign.

Chairman Luntz recommended that the vote for approval be tabled for the next Planning Board Meeting so that the Planning Board members could go by the store and view the sign. It was agreed that the Planning Board members would make a final decision at the next meeting.

*b) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3) -- Application for an Amended Site Plan and Wetlands Activity Permit for new single-family dwelling*

Mr. Ralph Mastromonaco, Consulting Engineer for the applicant, stated that there had been a site visit with several of the Planning Board members and the Village Engineer on Saturday morning, August 6, 2011. Mr. Mastromonaco has since

submitted an altered plan from the one initially submitted in order to save one tree on the site.

Chairman Luntz stated that there were a number of administrative issues that had come up regarding access, easements, and the HMB Homeowners Association, and although he has looked at the site plan and the altered plan, he wanted to focus on the administrative issues regarding this lot.

Mr Mastromonaco stated that according to all the agreements he had read, the applicant had legal rights and access to the parcel. He had asked the Village Board for permission to have access through the parking lot, but if this request were not granted he would then change the access through Half Moon Bay Drive. He believed that the agreement between HMB and the applicant was a private matter. He urged the Planning Board to have a public hearing as soon as possible so that residents and concerned citizens could have an opportunity to ask questions.

Mr. Krisky stated that he believed that it was premature to schedule a public hearing; this was a very complicated development piece and a sensitive area next to parkland. He believed that the issue of the HOA (Homeowner's Association) needed to be settled before proceeding with a public hearing.

Mr. Mastromonaco reiterated that the sooner a public hearing was held, the sooner the citizens could get answers to their questions. Mr. Luntz stated that the Planning Board had questions they wanted answered and it was important that the Village Attorney render his opinion before a public hearing was arranged.

Mr. Mastromonaco stated that his client's attorney is working on a letter to answer some of the questions about the HMB homeowners' association's authority over the parcel's development. Mr. Mastromonaco did not believe the title issue was going to be resolved at the Planning Board meeting—this was a legal issue between two private parties. Mr. Luntz concurred and stated that the attorneys will have to discuss the title issues. Mr. Luntz asked the Village Engineer about the sequencing of the process.

The Village Engineer stated that the Planning Board needed to wait to hear from the DEC regarding lead agency, or until thirty days if they did not hear, in addition to hearing from the Village Board. When asked about the timing of the public hearing, the Village Engineer stated that once lead agency is established, the Planning Board would then refer the Wetland Activity Permit application to the Water Control Commission and the Waterfront Advisory Committee. Usually the Planning Board waits until they get a response from the various committees before setting a date for the public hearing.

Ms. Allen asked the Village Engineer if the site plans were complete enough to review as she was unhappy with the level of detail on the site plan. The Village

Engineer responded that although the site plans were not complete, there was enough information to begin the review process.

Mr. Mastromonaco stated he wanted to focus on the site plan; it was not for the Planning board to adjudicate the issues of easements and property rights and this was a private issue, not a site plan issue. Mr. Aarons disagreed and stated that he thought it was prudent to ask the Village Attorney to review these issues and have the attorney get back to the Planning Board with his opinion.

Chairman Luntz stated that the applicant should respond to Mr. Krisky's concern about the Homeowners' Association, and in the meantime, lead agency can be established. Chairman Luntz also stated that the Planning Board should get the Village Attorney's opinion. Mr. Mastromonaco stated that the applicant's attorney would send a letter to the Village Attorney that says the property is not part of the Homeowners' Association. Chairman Luntz responded that if the attorney says it isn't the Planning Board's concern then once lead agency is established, the board would refer the application to the WAC and the WCC.

Chairman Luntz stated that he would open the meeting to short comments on this application.

Mr. Pete Drexler, 215 Half Moon Bay, and on the HMB HOA Board, presented some history of the "restaurant parcel" and his understanding of the offering plan. Mr. Drexler stated that entrance of Half Moon Bay Drive is the first impression of the complex and offers a clear view of the river. Half Moon Bay residents would like to be reassured that the roof line of the proposed house does not block river views and that the house won't impact the aesthetics of the entrance way to the complex.

Chairman Luntz thanked Mr. Drexler and recommended that if the HOA wants to submit a legal opinion about the control over the parcel a statement should be sent to the Village Attorney.

Chairman Luntz summarized the next steps regarding this application and the Planning Board will wait to hear from the Village Attorney.

*c) Zanfardino – 101 Brook Street – (Sec. 78.08 Blk. 5 Lot 3) – Application for Final Subdivision Approval (two lot)*

The Village Engineer stated that this application is for the issuance of a final subdivision plat approval and the approval of a minor site plan for a new single-family dwelling.

The Planning Board members agreed that this subdivision application had been thoroughly reviewed and discussed in previous meetings. Mr. Aarons made a

motion to approve the granting of final subdivision approval for 101 Brook Street, seconded by Ms. Allen, and carried by a vote of 4-0, all in favor.

*d) Zanfardino – 103 Brook Street – (Sec. 78.08 Blk 5 Lot 3.1) – Application for Minor Site Plan for new single-family dwelling*

There was a brief discussion about the materials of the siding and foundation of the house, drainage and dry wells as referenced in the architectural plans A1 and A2. It was noted that drawings A1 and A2 should be incorporated into the resolution. Mr. Luntz stated that he was satisfied with the site plan and the proposed building. Ms. Allen made a motion to approve the resolution as amended, seconded by Mr. Aarons, and carried by a vote of 4-0, all in favor.

## **5. APPROVAL OF MINUTES**

Approval of the minutes of the Tuesday, July 26, 2011 Planning Board meeting was held over for the next Planning board meeting.

## **6. ADJOURNMENT**

There being no further business to come before the board, the meeting was duly adjourned at 10:05 p.m. on a motion by Chairman Luntz, seconded by Ms. Allen, carried by a vote of 4 to 0.

Respectfully submitted,

Ronnie L. Rose  
Planning Board Secretary

RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL OF PROPERTY OWNED  
BY  
PAT AND TARA ZANFARDINO

WHEREAS, the Planning Board adopted a Resolution at its regular public meeting held on Tuesday, May 10, 2011 on the application of Pat and Tara Zanfardino (the "Applicant") which granted preliminary Subdivision Plat Approval of certain property located on 101 Brook Street, in a Residential RA-5 District, which property consists of 13,580 square feet identified as Section 78.08 Block 5 Lot 3 on the Tax Map of the Village of Croton-on-Hudson, on the terms and conditions more particularly set forth in said Resolution; and

WHEREAS, this property consisting of one existing lot is proposed to have the lot lines of the existing lot modified, which is considered a subdivision under the Village Code; and

WHEREAS, the Planning Board has evaluated the 13,580 sq. ft. parcel for dedication of recreational lands. Section 230-123 of the Zoning Code requires that 10% (1358 sq. ft.) of the parcel be set aside for recreation lands; however, this amount is less than the minimum size of 0.25 Ac. (10,895 sq. ft) specified in Section 230-123 of the Zoning Code; and

WHEREAS, the Planning Board finds that there is insufficient land on the parcel to provide the required land for recreational purposes; therefore, money in lieu of recreation land shall be required which shall be paid to the Village prior to the issuance of a building permit for Lot 2 by the Village Engineer; and

WHEREAS, the recitals in the May 10, 2011 Resolution summarize the proceedings on the application of Pat and Tara Zanfardino of 101 Brook Street, to and including the date thereof; and

WHEREAS, as requested by the Village Engineer, the Applicant placed iron rods on the property lines at locations agreed upon by the Village Engineer; and

WHEREAS, on August 4, 2011 the Applicant submitted a proposed Final Subdivision Plat to be considered by the Planning Board at its regular meeting to be held on Tuesday, August 9, 2011;

WHEREAS, the Planning Board reviewed the proposed Final Subdivision Plat at its August 9, 2011 meeting and deemed same to be officially submitted; and

WHEREAS, the Planning Board, at its August 9, 2011 meeting, determined that the proposed Final Subdivision Plat was in substantial agreement with the approved Preliminary Subdivision Plat, and that no public hearing was required pursuant to Village Law Section 7-728 6.(b); and

WHEREAS, the Planning Board carefully considered all comments received during the course of the Planning Board's consideration of the application up to and including the date hereof, including those received during the public hearing held on Tuesday, April 26, 2011; and

WHEREAS, the Final Subdivision Plan which is the subject of the following resolutions consist of the following sheet entitled "Final Subdivision of Property, Prepared for Pat J. Zanfardino and Tara Zanfardino," prepared by Thomas C. Merritts Land Surveyors, P.C; and

WHEREAS, the following resolutions are also predicated on Drawing #SP-1 entitled "Site Plan, dated January 24, 2011, and last revised April 4, 2011, and Drawing #SP-2 entitled "Details" dated April 4, 2011, prepared by Gregory J. McWilliams, Architect; and

NOW, THEREFORE, be it resolved: (i) That the foregoing recitals are incorporated in the resolution of approval, (ii) That the Final Subdivision Plat hereinbefore referred to is approved subject to the conditions set forth below; and

BE IT FURTHER RESOLVED that the Chairman of the Planning Board is authorized to endorse the Final Subdivision Plat subject to the following conditions:

- 1) That the Applicant shall abide by all of the conditions set forth in the preliminary subdivision resolution of approval dated April 26, 2011; and
- 2) That the Applicant receive approval of the Final Subdivision Plat by the Westchester County Health Department as required by the County Sanitary Code and that the approval of the County Health Department is shown on the Final Subdivision Plat; and
- 3) That a Minor Site Plan application shall be submitted and approved by the Planning Board prior to the issuance of a Building Permit for Lot 2; and
- 4) That a mylar copy of the final subdivision map be submitted to the Village Engineer; and
- 5) That documentation of a temporary construction easement over Lot 1 for the benefit of Lot 2 be submitted to the Village Engineer prior to the issuance of a building permit for Lot 2.
- 6) That after filing the final subdivision map a letter certifying the filing and including the filed map number be submitted to the Village Engineer; and
- 7) That a Wetlands Activity Permit is issued by the Planning Board prior to the issuance of a Building Permit for Lot 2; and

- 8) That approval of the Final Subdivision Plat be rendered void if the Applicant shall fail to file, in the Westchester County Clerk's Office, Division of Land Records, the approved Final Subdivision Plat within 62 days from the date of final approval, as final approval is defined in Village Law Section 230-134 (A).

IN WITNESS WHEREOF, the foregoing Resolution was adopted at a public meeting of the Planning Board in the Village of Croton-on-Hudson held on the 9th of August, 2011.

THE PLANNING BOARD OF THE VILLAGE OF  
CROTON-ON-HUDSON, NEW YORK

Robert Luntz, Chairman  
Mark Aarons  
Fran Allen  
Bruce Kauderer (ABSENT)  
Steven Krisky

The Motion to approve was made by Mr. Aarons, seconded by Ms. Allen, and carried by a vote of 4 to 0, all in favor. Resolution was accepted with the minutes of the meeting held on August 9, 2011.



## RESOLUTION

**WHEREAS**, the Planning Board reviewed a Minor Site Plan application on Tuesday, August 9, 2011, for Pat and Tara Zanfardino, hereafter known as “the Applicant,” said property located at 103 Brook Street, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.8 Block 5 Lot 3.1; and

**WHEREAS**, the Planning Board had previously reviewed the application for a Wetland Activity Permit as part of the Board’s review of the subdivision application, and

**WHEREAS**, the proposal is for a new single-family dwelling; and

**WHEREAS**, this proposal is considered an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a negative declaration was issued by the Planning Board on May 10<sup>th</sup>, 2011, and

**NOW, THEREFORE BE IT RESOLVED**, that the Minor Site Plan and Wetland Activity Permit application, as shown on Drawing SP-1 entitled “Site Plan”, dated January 24, 2011, last revised on April 4, 2011; Drawing SP-2 entitled “Details” dated April 4, 2011; and Drawing A-1 entitled “Proposed Plans” and Drawing A-2 entitled “Proposed Elevations” dated January 24, 2011; prepared by Gregory J. McWilliams, Architect, be approved subject to the following conditions:

1. That the banks of the existing stream channel be restored with stone walls as detailed on the plans and that a written construction timeframe and sequence plan be developed to ensure that work in the stream channel is conducted with the least impact to the stream and that this plan be approved by the Village Engineer prior to the commencement of work,
2. That any excess soil from the excavation shall be removed from the site immediately in no event more than 20 days,
3. That a final design report, including soil test results, on the design of the storm water management system be submitted to the Village Engineer for approval prior to its installation,
4. That the work conducted under the Wetland Activity Permit shall be open to inspection during daylight hours, including weekends and holidays, by the approving authority or its designated representative or the Village Engineer,
5. That the Wetland Activity Permit expiration date shall be 08/09/2014 or upon completion of the work specified therein,
6. That the Wetland Activity Permit holder shall notify the Village Engineer of the date on which the work is to begin at least five days in advance of such commencement date,
7. That the Wetland Activity Permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit,

8. That no building permit be issued until the Final Subdivision plat and new deeds are filed with the Westchester County Clerk's Office, Division of Land Records, and proof of such filing is submitted to the Village Engineer.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of  
Croton-on-Hudson, New York

Robert Luntz, Chairman  
Mark Aarons  
Fran Allen  
Bruce Kauderer (ABSENT)  
Steven Krisky

Motion to approve by Ms. Allen, seconded by Mr. Aarons, and carried by a vote of 4 to 0, all in favor.

Resolution accepted with the minutes of the meeting held on Tuesday, August 9, 2011.